



AGENDA COMMON COUNCIL

Tuesday, February 21, 2012

**To immediately follow the 6:30 p.m. Committee of the Whole meeting
Common Council Chambers, 224 East Jefferson Street**

Mayor Robert Miller
Robert Prailes, Alderman, 1st District
Edward Johnson, Alderman, 1st District
Jim Prailes, Alderman, 2nd District
Peter Hintz, Alderman, 2nd District
Tom Vos, Council President and Alderman, 3rd District
Steve Rauch, Alderman, 3rd District
Katie Simenson, Alderman, 4th District
Jeff Fischer, Alderman, 4th District

Student Representatives:

Sarvpal Dhillon, Burlington High School
Dale Morrow, Burlington High School

1. Roll Call
2. Pledge of Allegiance to the Flag.
3. Citizen Comments.
4. Chamber of Commerce Representative.
5. Approval of the Common Council minutes for February 7 and February 14, 2012. *(S. Rauch)*
6. Letters and Communications: *(K. Simenson)*
 - A. Alderman Ed Johnson will be unable to attend the February 21, 2012 meetings.
 - B. Alderman Jim Prailes will be unable to attend the February 21, 2012 meetings.
7. Reports by Aldermanic Representatives and Department Heads.
8. Reports 1-2: *(J. Fischer)*
 - Report 1 – Plan Commission minutes, January 10, 2012
 - Report 2 – Committee of the Whole minutes, February 7, 2012
 - Report 3 – Committee of the Whole minutes, February 14, 2012
9. Payment of Vouchers. *(R. Prailes)*
10. Licenses and Permits. *(P. Hintz)*
11. Appointments and Nominations: None

12. **PUBLIC HEARINGS:** None

13. **RESOLUTIONS:**

- A. Resolution 4525(50) to approve a preliminary resolution to declare intent to exercise Special Assessment powers for reconstruction of sidewalks at various locations. This item was discussed at the February 7, 2012 Committee of the Whole meeting. (*T. Vos*)
- B. Resolution 4527(52) to approve a ratifying resolution authorizing the issuance and sale of up to \$2,044,276 Waterworks System Revenue Bonds, Series 2012, and covenants with respect thereto. This item was discussed at the February 21, 2012 Committee of the Whole meeting. (*S. Rauch*)

14. **ORDINANCES:**

- A. Ordinance 1940(17) to amend the provisions of Section 187-14B of the Municipal Code regarding retail Class A sales of alcoholic beverages beginning at 8 a.m. This item was discussed at the January 17 and February 7, 2012 Committee of the Whole meetings. (*K. Simenson*)
- B. Ordinance 1941(18) to amend Chapter 17 pertaining to the Municipal Court Judge. This item was discussed at the February 7, 2012 Committee of the Whole meeting. (*J. Fischer*)

15. **MOTIONS:**

None

16. **ADJOURNMENT** (*R. Prailes*)

Note: If you are disabled and have accessibility needs or need information interpreted for you, please call the City Clerk's Office at 262-342-1161 at least 24 hours prior to the meeting.



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

Common Council Agenda Item Number: 5	Date: February 21, 2012
Submitted By: Beverly R. Gill, City Clerk	Subject: Meeting Minutes

Details:

Attached please find the minutes from February 7, 2012 Common Council meeting. Staff recommends approval of these minutes.

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Common Council approve these minutes at the February 21, 2012 Common Council meeting.



CITY OF BURLINGTON

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**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
February 7, 2012**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:37 p.m. starting with roll call. Aldermen present: Bob Prailes, Peter Hintz, Jim Prailes, Tom Vos, Steve Rauch, Katie Simenson Absent: Jeff Fischer
Excused: Ed Johnson

Student Representatives present: Dale Morrow, Paul Dhillon

Also present: City Attorney John Bjelajac, City Administrator Kevin Lahner, Police Chief Peter Nimmer, Fire Chief Richard Lodle, Utility Director Connie Wilson, Treasurer Steve DeQuaker, Assistant to the Administrator Megan Johnson, Library Director Gayle Falk, Supervisor Streets and Parks Dan Jensen, Tom Foht of Kapur Engineering

Alderman Fischer arrived at 6:40 p.m.

2. PLEDGE OF ALLEGIANCE

Mayor Miller led the council, staff and audience in the Pledge of Allegiance.

3. CITIZEN'S COMMENTS

None

4. CHAMBER OF COMMERCE REPORT

None

5. APPROVAL OF COMMON COUNCIL MINUTES FOR JANUARY 17, 2012 AND JANUARY 24, 2012

A motion was made by Bob Prailes with a second by Hintz to approve the common council minutes of January 17 and January 24, 2012. With all in favor, the motion carried.

6. LETTERS AND COMMUNICATIONS

A motion was made by Jim Prailes with a second by Vos to approve the letters and communications. With all in favor, the motion carried.

7. REPORTS BY ALDERMANIC REPRESENTATIVES AND DEPARTMENT HEADS

Vos questioned where the city was at with the traffic analysis on the stoplights. Lahner replied the analysis will be discussed at the next council meeting on the 21st of February.

Jensen reported on the receipt of two brine tanks that will be outfitted on the vehicles that cover Shiloh Hills and other areas that have steeper hills.

Lahner reported to council that the city had put out "Requests for Proposals" for IT services and was in the process of interviewing to fill the position. Lahner also reported on discussions with Mr. Keith Munson of National Appraisal on the possibility of Munson winding down his assessing business.

Vos questioned Jensen on the monetary savings of the brining system. Jensen replied this has been such a mild winter, the money that would have been spent on salt has been spent on the new brining system which once in operation, will save even more salt.

Simenson reported seeing large clumps of salt on the roadways. Jensen suggested that she call him so he will be able to determine which trucks are leaving the clumps of salt.

8. REPORTS 1-8

A motion to approve Reports 1-8 was made by Hintz with a second by Simenson. With all in favor, the motion carried.

9. PAYMENT OF VOUCHERS

A motion was made by Vos with a second by Hintz to approve vouchers, pre-paid and reimbursements in the amount of \$4,753,826.79. Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

10. LICENSES AND PERMITS

A motion was made by Rauch with a second by Jim Prailes to approve the licenses and permits as presented. With all in favor, the motion carried.

11. APPOINTMENTS AND NOMINATIONS

None

12. PUBLIC HEARINGS

None

13. RESOLUTIONS

A. RESOLUTION 4503(28) "A RESOLUTION TO APPROVE AMENDMENT TWO TO TASK ORDER SEVENTY-EIGHT WITH KAPUR & ASSOCIATES FOR THE RIVERSIDE PARK SHORELINE AND PATH IMPROVEMENTS IN THE AMOUNT OF \$18,706"

A request for a second reading and a motion to approve was made by Simenson with a second by Hintz.

Discussion: Simenson noted the date of the Task Order as October 18th and questioned the delay. Lahner replied that it had been overlooked with the error being caught by Kapur.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

B. RESOLUTION 4516(41) "A RESOLUTION TO APPROVE A CONTRACT FOR SLUDGE HAULING AND APPLICATION WITH PAT'S SERVICES, INC. FOR A THREE-YEAR TERM"

A request for a second reading and a motion to approve was made by Fischer with a second by Vos.

Discussion: Vos questioned what equipment would be sold under this resolution and the type of payment schedule. Wilson replied the tractor and the injector would be sold with the terms of the contract not yet determined but, she would provide a payment agreement at a later date. Vos also was concerned that if by the end of three years and this doesn't work out, the city would have no equipment and no money in the equipment replacement fund. Vos further questioned the savings in labor costs. Wilson said one example is an employee that is being trained in cross-connections which will be a savings to the city. Fischer noted that one of the options is to not pay Pat's for approximately a year for hauling service. Additionally, there would be no budget cost for equipment replacement and it would also be an opportunity to reduce outside services by utilizing our own employees. Wilson stated that we are one of the last communities to do our own sludge hauling. Simenson questioned the sale of equipment with the proceeds not going back into the Equipment Replacement Fund. Wilson said the equipment was over twenty years old and has been amortized down to nothing. The mayor reminded council that Resolution 4516(41) applies the \$80,000 to the monthly fees. Simenson further stated that she would prefer the money to be returned to the Equipment Replacement Fund because in three years if this doesn't work out, the city would at least have \$80,000. Bob Prailes commented that money had already been put aside through the years with the anticipation of replacement.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

C. RESOLUTION 4517(42) "A RESOLUTION TO AUTHORIZE FEE ASSESSMENTS FOR WEIGHTS AND MEASURES LICENSE HOLDERS FOR JULY 1, 2010 THROUGH JUNE 30, 2011"

A request for a second reading and a motion to approve was made by Bob Prailes with a second by Simenson.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

D. RESOLUTION 4520(45) "A RESOLUTION TO APPROVE A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 824 MILWAUKEE AVENUE"

A request for a second reading and a motion to approve was made by Jim Prailes with a second by Rauch.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0

E. RESOLUTION 4522(47) "A RESOLUTION TO PURCHASE TWO 2013 FORD POLICE UTILITY VEHICLES FROM MILLER MOTOR SALES IN THE AMOUNT OF \$53,000"

A request for a second reading and a motion to approve was made by Hintz with a second by Jim Prailes.

Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nays: None Motion carried 7-0

14. ORDINANCES

A. ORDINANCE 1940(17) "AN ORDINANCE TO AMEND THE PROVISIONS OF SECTION 187-14B OF THE MUNICIPAL CODE REGARDING RETAIL CLASS A SALES OF ALCOHOLIC BEVERAGES"

The mayor wanted to clarify that this ordinance will allow the city to meet the requirements of Act 97 that will allow the city to adjust opening times for those businesses that are designated as Class A packaged goods stores. This ordinance would allow sales of alcoholic beverages to begin at 6:00 a.m. with the city's current ordinance reading 8:00 a.m. He further stated that if the council doesn't approve this ordinance as it is written for 6:00 a.m., it will have to be brought back to another council meeting to reflect the 8:00 a.m. start time. The mayor stated that if this ordinance is rejected, the start time will be 6:00 a.m. for both Class A and Class B businesses.

A request for a second reading and a motion to approve was made by Vos with a second by Bob Prailes.

Discussion: Atty. Bjelajac said the bottom line is that the council has to choose a start time for the packaged goods retailers. Bob Prailes did not see how this could be an issue to promote early morning drinking for teens. The mayor commented that several retailers had said it was a matter of a level playing field to be able to sell at 6:00 a.m. as the taverns are allowed to sell at that time. Hintz thought of it as a convenience for the third shift workers. Vos had not received any calls on this ordinance but he did reference a letter from Partners2 that stated they were not pleased with the change. Bob Prailes spoke to several people and no one had a problem with the 6:00 a.m. start time. Student Representative Paul Dhillon spoke against the change of time to 6:00 a.m. as he felt it may encourage more drinking. Ms. Christina Converset of Partners2 also spoke against an earlier start time. Ms. Converset read a statement from Ms. Megan Kroes, Director of Racine County Youth Coalition that they also are against the earlier start time. Mr. Peter Girolamo, 116 West Highland spoke against the earlier retail hours and agreed with the comments from Partners2. Vos stated that he thought the larger problem was illegal sales and not the time of day that it was sold. Mr. Jim Jante, 681 Milwaukee Avenue, the owner of Rice's Liquor agreed with Vos that the time of day was not the issue but, he would not be opening at 6:00 a.m. for alcohol sales.

Roll Call Aye: Bob Prailes, Hintz, Fischer Nay: Jim Prailes, Vos, Rauch, Simenson

Motion failed 4-3. This ordinance will be brought back in two weeks to reaffirm the 8:00 a.m. start time.

15. MOTIONS

A. MOTION 12-733 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 109 EAST CHESTNUT STREET"

A motion to approve Motion 12-733 was made by Rauch with a second by Vos. With all in favor, the motion carried.

B. MOTION 12-734 "A MOTION TO APPROVE A CERTIFICATE OF APPROPRIATENESS APPLICATION AND SIGN APPLICATION IN THE HPC OVERLAY DISTRICT FOR 481 MILWAUKEE AVENUE"

A motion to approve Motion 12-734 was made by Simenson with a second by Jim Prailes. With all in Favor, the motion carried.

16. ADJOURN INTO CLOSED SESSION PER WIS. STATS 19.85(1) (g) "CONFERRING WITH LEGAL COUNSEL FOR THE GOVERNMENTAL BODY WHO IS RENDERING ORAL OR WRITTEN ADVICE CONCERNING STRATEGY TO BE ADOPTED BY THE BODY WITH RESPECT TO LITIGATION IN WHICH IT IS LIKELY TO BECOME INVOLVED"

A motion was made by Fischer with a second by Vos to adjourn into closed session at 7:31 p.m. per Wisconsin Statutes 19.85(1)(g) Roll Call Aye: Bob Prailes, Hintz, Jim Prailes, Vos, Rauch, Fischer, Simenson Nay: None Motion carried 7-0


17. RECONVENE INTO OPEN SESSION

A motion was made by Bob Prailes with a second by Rauch to reconvene into open session at 8:04 p.m. With all in favor, the motion carried.

A motion was made by Vos with a second by Jim Prailes to approve a motion to not enter into a lease agreement and/or option to purchase for 508 Sheldon Street in Burlington, Wisconsin. With all in favor, the motion to not enter into a lease agreement carried.

18. ADJOURNMENT

A motion was made by Vos with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 8:09 p.m.



Beverly R. Gill
City Clerk
City of Burlington
Racine and Walworth Counties



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
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**City of Burlington
Official Minutes
Common Council
Robert Miller, Mayor
Beverly R. Gill, City Clerk
February 14, 2012**

1. CALL TO ORDER - ROLL CALL

Mayor Bob Miller called the meeting to order at 6:05 p.m. starting with roll call. Aldermen present: Bob Prailes, Peter Hintz, Tom Vos, Steve Rauch and Katie Simenson. Excused: Jeff Fischer, Jim Prailes and Ed Johnson.

Student Representatives Present: Sarvpal Dhillon Absent: Dale Morrow

Also present: City Administrator Kevin Lahner, Public Works Director Connie Wilson and Treasurer Steve DeQuaker

2. CITIZEN'S COMMENTS

None

3. RESOLUTIONS

A. **RESOLUTION 4526(51)** "A RESOLUTION TO AUTHORIZING THE ISSUANCE AND SALE OF UP TO \$2,044,276 WATERWORKS SYSTEM REVENUE BONDS, SERIES 2012, AND PROVIDING FOR OTHER DETAILS AND COVENANTS WITH RESPECT THERETO, AND APPROVAL OF RELATED \$2,271,418 FINANCIAL ASSISTANCE AGREEMENT"

A request for a second reading and a motion to approve was made by Simenson with a second by Vos. Roll Call Aye: Bob Prailes, Hintz, Vos, Rauch, Simenson; Nay: None; Motion carried 5-0.

4. ADJOURNMENT

A motion was made by R. Prailes with a second by Rauch to adjourn the meeting. With all in favor, the meeting adjourned at 6:06 p.m.

Recording Secretary
Megan E. Johnson
Assistant to the City Administrator



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Common Council Agenda Item Number: 6A	Date: February 21, 2012
Submitted By: Alderman Ed Johnson	Subject: Communications

Details:

Communication A – Alderman Ed Johnson will be unable to attend the February 21, 2012 Committee of the Whole and Common Council meetings.

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept this communication at the February 21, 2012 Common Council meeting.

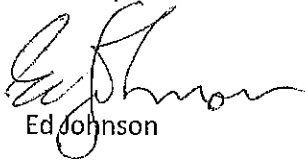
TO: Bob Miller, Mayor

Bev Gill, Clerk

FROM: Ed Johnson, 1st District Alderman

This is to inform you and the City Council, that my wife and I have rented a house in Arizona for the months of February and March. I will miss two council meetings on February 7 and March 20. I will be back for the February 21 and the March 6 meetings.

Thank you.



Ed Johnson



CITY OF BURLINGTON

Administration Department
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Common Council Agenda Item Number: 6B	Date: February 21, 2012
Submitted By: Alderman Jim Prailes	Subject: Communications

Details:

Communication B – Alderman Jim Prailes will be unable to attend the February 21, 2012 Committee of the Whole and Common Council meetings.

Financial Remarks:

None.

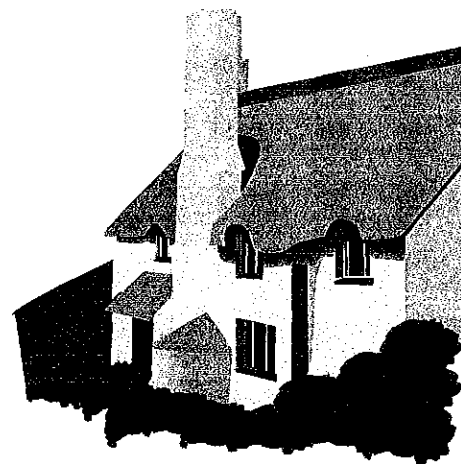
Executive Action:

Staff recommends that the Council accept this communication at the February 21, 2012 Common Council meeting.

JAMES PRAILES CONST.
408 SO. PERKINS BLVD.
BURLINGTON, WISC. 53105
763-7322

492-1158 (AREA CODE 262)

TO: CITY OF BURLINGTON
ATT: BEV GILL



BEV, PLEASE HAVE ME EXCUSED FROM THE FEB 14th SPECIAL
.COUNCIL MEETING AND THE FEB 21ST COUNCIL MEETING AS
I WILL BE OUT OF TOWN AT THAT TIME.

THANK YOU,

JIM PRAILES

A handwritten signature in cursive script that reads "Jim Prailes".



CITY OF BURLINGTON

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Common Council Agenda Item Number: 8	Date: February 21, 2012
Submitted By: City Staff	Subject: Reports 1-2

Details:

Attached please find the following reports:

Report 1 – Plan Commission minutes, January 10, 2012

Report 2 – Committee of the Whole minutes, February 7, 2012

Options & Alternatives:

N/A

Financial Remarks:

None.

Executive Action:

Staff recommends that the Council accept these reports at the February 21, 2012 Common Council meeting.



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Minutes
City of Burlington Plan Commission
Police Dept. Courtroom
January 10, 2012, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order this Tuesday evening at 6:30 p.m. Roll call: Alderman Robert Prailes; Commissioners Darrel Eisenhardt, Chris Reesman and John Lynch; Student Representatives Bianca Clayton and Kyle Burns; and Town of Burlington Representative Phil Peterson were present. Alderman Tom Vos and Commissioner Michael Deans were excused. Also present was Zoning Administrator Patrick Scherrer.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved and Commissioner Lynch seconded to approve the minutes of December 13, 2011. All were in favor and the motion carried.

CITIZEN COMMENTS

None

LETTERS & COMMUNICATIONS

None

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use application from Heather Somes on behalf of Dunham's Sports for property located at 1120 Milwaukee Avenue to allow for outdoor display of sporting equipment.

- Mayor Miller opened the public hearing at 6:32 p.m.
- There were no comments. Alderman Prailes moved and Commissioner Lynch seconded to close the Public Hearing at 6:33 p.m. All were in favor and the motion carried.

OLD BUSINESS

None

NEW BUSINESS

A. Consideration to approve a Conditional Use Application and Site Plan Application from Heather Somes on behalf of Dunham's Sports for property located at 1120 Milwaukee Avenue to allow for outdoor display of sporting equipment.

- Mayor Miller opened this item for discussion.
- Commissioner Eisenhardt inquired if the display will look like the picture that was provided to the commissioners. Mayor Miller stated it would.
- Commissioner Eisenhardt questioned how many boats/kayaks would be displayed. David Archie on behalf of Dunham's Sports stated there would be about 15 – 20 on display.
- Commissioner Lynch questioned if the store is worried about theft of the display items. Mr. Archie stated items would be secured and locked to the rack.
- There were no further comments.

Commissioner Lynch moved and Commissioner Reesman seconded to approve a Conditional Use and Site Plan at 1120 Milwaukee Avenue subject to Patrick Meehan's December 27, 2011 memorandum to the Plan Commission as follows:

- Section 315-26(D)(34) of the City Zoning Ordinance also sets forth the conditions which shall be met for the "Outdoor Display of Merchandise" conditional use aspects of the proposed 76-square-foot outdoor display of merchandise area. With respect to the dimensional-related performance standards set forth in Section 315-26(D)(34) of the City Zoning Ordinance, the following comments are made:
 - The proposed 76 square feet of outdoor display of merchandise is only about 0.0014 percent of the total 53,561 square-foot principal building to which it is accessory. Therefore the amount of area of the proposed outdoor display of merchandise does not exceed the area of the existing principal structure and meets the area requirements of Section 315-26(D)(34) of the City Zoning Ordinance.
 - The proposed outdoor display area does not encroach into any required setback or landscape area.
 - The proposed outdoor display area does not appear to impede the growth or maintenance of required landscaping.
 - The proposed outdoor display of merchandise is not proposed to be screened since it is not viewable from: any residential public street right-of-way, public park or public open space area, or from any residential- and institutional-zoned property. In such instances, no screening is required under the provisions of Section 315-26(D)(34)(c)(5) of the City Zoning Ordinance.
 - Pursuant to the requirements of Section 315-26(D)(34)(c)(6) of the City Zoning Ordinance, all outdoor display of merchandise areas shall be required to be paved with pavement of either asphalt or concrete and this requirement would be met since the use is proposed to be placed upon an existing concrete walk.

- Sales and display areas are not storage areas. Storage areas are regulated separately by City Code.

All in favor and the motion carried.

B. Consideration to recommend approval to the Common Council of a Certified Survey Map for property located at 824 Milwaukee Avenue

- Mayor Miller opened this item for discussion.
- Commissioner Eisenhardt questioned if the size of the lot as proposed would still be saleable if the current offer to purchase 824 Milwaukee fell through. Mayor Miller stated it would as the City was originally looking to sell a one-acre piece of the total property. Miller further stated that if the current offer of sale fell through and a new proposal was brought forward with intensions of a larger lot, recalculations could be made later.
- Alderman Prailes questioned if the City is donating the remaining portion of the divide lot (proposed Lot 2) to ChocolateFest and stated he was concerned if the offer to purchase fell through and more land was needed in the future. Mayor Miller confirmed the proposed Lot 2 would not be donated to ChocolateFest as their lease is specific to a 1.5 acre parcel.
- There were no further comments.

Commissioner Eisenhardt moved and Commissioner Lynch seconded to recommend approval of a Certified Survey Map for 824 Milwaukee Avenue, subject to Patrick Meehan's December 27, 2011 memorandum to the Plan Commission as follows:

- The proposed Certified Survey Map appears to meet the various mandated requirements of Section 278-39 titled "Additional Information" of the City of Burlington's Chapter 278 "Subdivision of Land" Ordinance.
 - With respect to the requirements of Sections 315-30F(3) of Chapter 315 and 278-48(A)(2) of Chapter 278, the correct rear yard setback is 25 feet in the M-1 District (not the 30 feet indicated on Sheet 1 of the proposed CSM). Therefore, this correction needs to be made on a revised CSM and all sheets of the CSM redated so as to be consistent with the revision date.
 - Section 278-48(A)(5) of Chapter 278 requires the following data to be indicated on the Certified Survey Map: "Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based upon National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created is (are) fully developed." Since the proposed new lots are redevelopment lots and any new development placed thereon will need to have a Site Plan and site grading plan for City review and approval, it is recommended that the Plan Commission and Common Council waive the requirement of Section 278-48(A)(5).


- The existing building located on the southeast lot line of Lot 1 (the common lot line to both proposed Lot 2 and existing Lot 3 of CSM No. 3012) shall be either moved to an area which is entirely on either Lot 1 or Lot 3 or removed from the premises of Lots 1 and 3 within one (1) year of the approval of the Common Council's approval of the Certified Survey Map.
- That if the existing former public works facility building has been demolished by the time the Common Council approves the proposed Certified Survey Map, that said building outline be removed from Sheet 1 of the proposed Certified Survey Map prior to the recording of the City-approved Certified Survey Map. If said former public works facility building has NOT been demolished by the time the Common Council approves the proposed Certified Survey Map, that said Certified Survey Map shall be revised so as to indicate the following: "FORMER PUBLIC WORKS FACILITY BUILDING TO BE DEMOLISHED WITHIN ONE (1) YEAR OF CERTIFIED SURVEY MAP APPROVAL BY THE COMMON COUNCIL."
- All "2011" dates appearing on Sheets 1, 2, and/or 3 need to be changed to "2012" and a revised Certified Survey Map submitted to the City addressing this issue.
- All sheets of the proposed Certified Survey Map shall be dated with the same date and/or revision date and a revised Certified Survey Map submitted to the City addressing this issue.

All in favor and the motion carried.

ADJOURNMENT

- At this time Commissioner Lynch questioned the status of a connecting drive between the Kohls parking lot and the former K-Mart parking lot. Mayor Miller stated he recently had a conversation with the owner of the strip mall and Kohls as it is private property it must be negotiated between the two owners. At this time the owner of the strip mall would like to install a connection however Kohls only wants it installed if the former K-Mart building is not leased to another soft-goods store. Miller further stated negotiations would continue.

Alderman Prailes moved and Commissioner Reesman seconded to adjourn the meeting at 6:41 p.m. *All were in favor and the motion carried.*



Recording Secretary
Megan E. Johnson
Assistant to the City Administrator



CITY OF BURLINGTON

City Clerk

300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
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Common Council Agenda Item Number: 10	Date: February 21, 2012
Submitted By: Beverly R. Gill, City Clerk	Subject: Licenses

Details:

Operator's Licenses

Belau, Karen L.
Escobr, Tasha M.
Johnson, Brian J.
Krien, William R.
Lois, Douglas J.
Murray, Denise A.
Pulczynski, Tammy J.
Scherrer, James E.
Scherrer, Lexus H.
Silva, Juan F.
Vedang, Doshi

Financial Remarks:

Applicants are charged a fee of which a portion funds the background checks performed by the Police Department. Business license fees are calculated on a case by case basis depending on the type of license applied for.

Executive Action:

Staff recommends the Common Council accept the presented licenses at the February 21, 2012 Council meeting.



CITY OF BURLINGTON

Department of Public Works
Streets, Parks & Water Departments
2200 S. Pine St. Burlington, WI, 53105
(262) 539-3770– (262) 539-3773 fax
www.burlington-wi.gov

Common Council Item Number: 13A	Date: February 21, 2012
Submitted By: Dan Jensen, Public Works Supervisor	Subject: Resolution 4525(50) to consider a preliminary resolution to declare intent to exercise Special Assessment powers for reconstruction of sidewalks at various locations.

Details:

Consistent with the past practice of the City, this is the first step to consider levying special assessments upon property for the replacement of existing public sidewalks at various locations. The proposed assessments may be paid in cash or in three annual installments with an interest rate which is one-half (.05) percent over the total cost of the improvements. A public hearing will be scheduled for March 20, 2012. The rate will be established and stated in the final resolution and noticed with assessments.

Staff recommends that the City Council approve this initial intent to exercise Special Assessments for the reconstruction of sidewalks in 2012.

Options & Alternatives: The Common Council could decide to do no sidewalk repairs this year.

Financial Remarks:

This work was planned and accounted for within the 2012 DPW Streets Budget.

Executive Action:

This item was discussed at the February 7, 2012 Committee of the Whole meeting and is scheduled for the February 21, 2012 Common Council meeting for consideration.

**A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL
ASSESSMENT POWERS UNDER §66.0703, WISCONSIN STATUTES FOR
RECONSTRUCTION OF SIDEWALKS AT VARIOUS LOCATIONS.**

BE IT RESOLVED by the Common Council of the City of Burlington, Racine County, Wisconsin:

1. The Common Council hereby declares its intention to exercise its police power under §66.0703, Wisconsin Statutes and §274-3 of the Code of the City of Burlington, to levy special assessments upon property for benefits conferred upon such property by replacement of existing public sidewalks at various locations as follows:

100 block of Beth Ct.
700 block of Chicory Rd.
100 block of Duane St.
100 block of N. Elmwood Ave.
200 block of Gardner Ave.
400-500 block of Hawthorn St.
100 block of E. Jefferson St.
300 block of Kendall St.

2. Said improvements are to include sidewalk replacement, and restoration of all disturbed areas; and,
3. The total cost assessed against the abutting properties shall not exceed one-half ($\frac{1}{2}$) of the total cost of the improvements; and,
4. The City of Burlington will bear one-half ($\frac{1}{2}$) of the total cost of the improvements; and,
5. The assessments against any parcel may be paid in cash or in three (3) annual installments with interest at a rate which is one-half (0.5) percent over the cost of the funds for the project. This rate shall be established in the final resolution and noticed with assessments; and,
6. The City is directed to prepare an engineering report consisting of:
 - a) Final plans and specifications for said improvements,
 - b) An estimate of the entire cost of the proposed improvements;
 - c) A schedule of the proposed assessments.
 - d) A statement that the property against which the assessments are proposed is benefited.

Upon completion of such report, a copy thereof shall be filed in the City Clerk's office for public inspection; and

7. Upon receiving the report, the City Clerk is directed to prepare a notice stating the nature of the proposed improvement, the general boundary lines of the proposed assessment district, the place and time at which the report may be inspected and the place and time at which all

interested persons, or their agents or attorneys, may appear before the Common Council to be heard concerning the matters contained in this resolution and the report. The notice shall be published as Class I notice of a public hearing to be held at least 10 days but not more than 40 days after publication, and mail a copy of said notice at least 10 days before the hearing to every person whose post-office address is known or can be ascertained with reasonable diligence as specified in §66.0703(7), Wisconsin Statutes. The hearing shall be held in the Common Council Chambers in the Courtroom of the Police Department at the time set by the Clerk in accordance with §66.0703(7).

Hearing tentatively set for: Tuesday, March 20, 2012 at 6:30 p.m.

Introduced: February 7, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



CITY OF BURLINGTON

Department of Public Works
Streets, Parks and Water Department
2200 S. Pine St., Burlington, WI, 53105
(262) 539-3770 – (262) 539-3773 fax
www.burlington-wi.gov

Committee of the Whole Item Number: 6	Date: February 21, 2012
Submitted By: Kevin Lahner, City Administrator and Connie Wilson, Director of Public Works	Subject: Resolution 4527(52) to consider a ratifying resolution authorizing the issuance and sale of up to \$2,044,276 Waterworks System Revenue Bonds, Series 2012, and covenants with respect thereto.

Details:

The bond council has informed the City that six members of the Council need to be present to vote on the Waterworks Bond resolution. At the previous Council meeting on February 14 there were only five members present. This resolution will ratify Resolution 4526(51) with a Council meeting quorum requirements.

Options & Alternatives:

This resolution must be approved to continue with the Waterworks System Bonds process.

Financial Remarks:

The loan is for \$2,044,276 payable over 20 years. The debt service payment will be approximately \$127,000 per year. Of the amount bonded, \$227,142 of the principal is being forgiven under the Safe Drinking Water Fund Loan program. The net cost, after principal forgiveness, is \$1,817,134.

Executive Action:

This item is for discussion at the February 21, 2012 Committee of the Whole meeting and is placed on the February 21, 2012 Common Council meeting for consideration.

Resolution No. 4527(52)
Introduced by the Committee of the Whole

**RESOLUTION RATIFYING RESOLUTION AUTHORIZING THE ISSUANCE AND
SALE OF UP TO \$2,044,276 WATERWORKS SYSTEM REVENUE BONDS, SERIES 2012,
AND PROVIDING FOR OTHER DETAILS AND
COVENANTS WITH RESPECT THERETO**

WHEREAS, the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin (the "City") previously held a meeting on February 14, 2012;

WHEREAS, at said meeting five members of the Common Council voted to adopt a resolution entitled: "Resolution Authorizing the Issuance and Sale of Up to \$2,044,276 Waterworks System Revenue Bonds, Series 2012, and Providing for Other Details and Covenants With Respect Thereto" (the "Resolution"); however, a quorum was not present at said meeting; and

WHEREAS, the Common Council finds it necessary, desirable and in the best interests of the City to approve and ratify the adoption of the Resolution;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City that the Resolution is hereby adopted, approved, ratified and confirmed in all respects.

Introduced: February 21, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

Common Council Item Number: 14A	Date: February 21, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1941(18) to consider amending Chapter 17 pertaining to Municipal Judge.

Details:

Section 755.02 of the Wisconsin Statutes requires that the term of a municipal judge be four years unless a different term (not exceeding four years nor less than two years) is provided for by a charter ordinance enacted under Section 66.0101. The Burlington Code of Ordinances provides for a two year term for our municipal judge in Section 17.1(B). This was done in 1983 through a regular ordinance procedure and not through the more sophisticated and specialized charter ordinance procedure described in Section 66.0101. The net result is that we need to amend Section 17.1(B) to provide for a four year term for our municipal judge.

Options & Alternatives:

Financial Remarks:

N/A

Executive Action:

This item was discussed at the February 7, 2012 Committee of the Whole meeting and is scheduled for the February 21, 2012 Common Council meeting for consideration.

ORDINANCE TO AMEND CHAPTER 17 PERTAINING TO "COURT, MUNICIPAL"

The City Common Council of the City of Burlington, Wisconsin, do ordain as follows:

Section 1. Section 17.1(8) of the Code of Ordinances, pertaining to the term of the Municipal Court Judge for the City of Burlington, is hereby amended as follows:

The phrase "two years" is amended to the phrase "four years".

Section 2. This ordinance shall take effect and be in full force after its passage and publication as required by law.

Introduced: February 7, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk



CITY OF BURLINGTON

Administration Department
300 N. Pine Street, Burlington, WI, 53105
(262) 342-1161 – (262) 763-3474 fax
www.burlington-wi.gov

Common Council Item Number: 14B	Date: February 21, 2012
Submitted By: Kevin Lahner, City Administrator	Subject: Ordinance 1944(21) to consider confirming the provisions of Section 187-14B regarding the sale of alcohol beginning at 6 a.m.

Details:

Wisconsin 2011 Act 97 adopted a Wisconsin Statute which allowed municipalities to expand the hours of alcohol beverage sales for Class A retailers from the original start time of 8 a.m. to a new start time of 6 a.m., until 9:00 p.m. that evening. As part of the Act each municipality has the right to impose more restrictive hours provided an ordinance is adopted reflecting the revised hours. Class A license holders are those who provide retail sales of fermented malt beverages and liquor for consumption off the premises where sold and in original packages.

At the recommendation of the Council from the February 7, 2012 meeting this ordinance re-adoption of our current ordinance which does not allow for the sale of such beverages until **8:00 a.m.** Class B and C licenses (where alcohol is consumed on premises) would continue to have sale hours of 6 a.m. to 2 a.m.

Options & Alternatives:

The Common Council could choose to allow sales to begin at 6 a.m. in which a revised ordinance would be introduced to the Council at the next meeting.

Financial Remarks:

N/A

Executive Action:

This item was discussed at the January 17, 2012 Committee of the Whole, the February 7, 2012 Common Council meeting and is scheduled for the February 21, 2012 Common Council meeting for consideration.

**ORDINANCE TO CONFIRM THE PROVISIONS OF SECTION 187-14(B) REGARDING RETAIL
CLASS "A" AND "CLASS A" SALES OF ALCOHOL BEVERAGES**

The City Common Council of the City of Burlington, Wisconsin, do ordain as follows:

Section 1. Section 187-14(B), "Closing Hours" of the Code of Ordinances, pertaining to the sales of alcohol beverages by holders of a Class "A" and "Class A" retail alcohol license, is hereby amended and, in response to 2011 Act 97 of the Wisconsin Legislature, again created as follows:

No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages:

If a retail "Class A" or Class "A" license, between 9:00 p.m. and 8:00 a.m. If, however, the retail establishment is permitted by the City to be open during the hours listed herein for the sale of other items, the establishment shall close its alcohol beverage section and shall not make any sale of alcohol beverages during these hours.

Section 2. This ordinance shall take effect and be in full force after its passage and publication as required by law.

Introduced: February 21, 2012
Adopted:

Robert Miller, Mayor

Attest:

Beverly R. Gill, City Clerk